

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SUNLUST PICTURES, LLC,

Plaintiff,

v.

DOES 1 – 75,

Defendants.

CASE NO. 4:12-cv-00695

Judge: Hon. Keith P. Ellison

Magistrate Judge:

**PLAINTIFF’S MOTION FOR DISMISSAL WITHOUT PREJUDICE AS TO ONE
ANONYMOUS DOE DEFENDANT ASSOCIATED WITH IP ADDRESS 71.164.205.28**

Plaintiff, pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff hereby dismisses all claims without prejudice brought in this action against a single anonymous Doe Defendant associated with the following Internet Protocol (“IP”) address: 71.164.205.28.

In accordance with Federal Rule of Civil Procedure 41(a)(1), the single Doe Defendant associated with IP Address 71.164.205.28 has neither filed an answer to Plaintiff’s Complaint, nor a motion for summary judgment. Dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1) is therefore appropriate.

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This case is still active as to the remaining Doe Defendants. Plaintiff still maintains its claims against the other active anonymous Doe Defendant remaining in this action, and reserves the right to name such individuals and/or serve them when in possession of their identifying information in this case.

Respectfully submitted,

Sunlust Pictures, LLC

DATED: July 3, 2012

By: **DOUGLAS M. MCINTYRE & ASSOCIATES**

/s/ Douglas M. McIntyre

DOUGLAS M. MCINTYRE (TX# 13681800)

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 3, 2012, all individuals of record who are deemed to have consented to electronic service are being served true and correct copy of the foregoing documents, and all attachments and related documents, using the Court's ECF system, in compliance with Local Rule 5.3.

/s/ Douglas M. McIntyre
DOUGLAS M. MCINTYRE